

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM 021709427 US, on the date shown below in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 27, 2007 Signature: Isaac Medrano

(Isaac Medrano)

Docket No.: 559022000300  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Neil L. ANDERSON et al.

Application No.: 10/580,636

Confirmation No.: 4373

Filed: (Int'l) November 24, 2004

Art Unit: 3736

For: A MODULAR CATHETER

Examiner: Not Yet Assigned

**ASSERTION OF SMALL ENTITY STATUS AND REQUEST FOR REFUND UNDER 37  
C.F.R. § 1.28(a)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Upon filing the Response to Missing Requirements on September 4, 2007, large entity filing fees were inadvertently paid. Pursuant to 37 C.F.R. § 1.28(a), a refund based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may be obtained if an assertion under 37 C.F.R. § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee.

Notice is hereby given that Applicants are entitled to claim small entity status for the above-captioned application and a refund of excess filing fees. The appropriate supporting documentation, i.e., a written assertion of entitlement to small entity status according to 37 C.F.R. § 1.27(c), and a request for refund pursuant to 37 C.F.R. § 1.26, is enclosed herewith. This notification and request for refund is made within three months of the date of timely payment.

Applicants submit that no additional fee is due. However, if the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (559022000300).

Dated: November 27, 2007

Respectfully submitted,

By

  
Lisa A. Amii

Registration No.: 48,199  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5674

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Examiner: Not Yet Assigned

**REQUEST FOR REFUND**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants inadvertently paid large entity fees of \$1,720.00 upon filing the Response to Missing Requirements with four months of extension of time on September 4, 2007. At the time of filing, Applicants were entitled to pay small entity fees of \$860.00. Thus, pursuant to 37 C.F.R. § 1.28(a), Applicants respectfully request that a refund in the amount of \$860.00 be issued. A table illustrating the aforementioned fees and total refund request amount is found below.

	<b>Large Entity Amount Previously Authorized to be Charged by Applicants</b>	<b>Correct Small Entity Amount</b>	<b>Refund Request Amount</b>
<b>Surcharge for furnishing the declaration after the date of commencement of the national stage</b>	\$130.00	\$65.00	\$65.00
<b>Fee for extension for response within four months</b>	\$1,590.00	\$795.00	\$795.00
<b>Total</b>	<b>\$1,720.00</b>	<b>\$860.00</b>	<b>\$860.00</b>


Notice is hereby given that Applicants are entitled to claim small entity status for the above-captioned application and a refund of excess filing fees. This notification and request for refund is made within three months of the date of timely payment.

Applicants submit that no additional fee is due. However, if the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (559022000300).

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Applicant/Patentee: Neil L. ANDERSON et al.  
Serial No./Patent No.: 10/580,636  
Filed on/Issued : November 24, 2004 (Int'l)  
For: A MODULAR CATHETER

Docket No.: 559022000300  
Client Reference: 127944

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**37 C.F.R. §§ 1.9 AND 1.27 — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CathRx Ltd

ADDRESS OF CONCERN: Room G11, National Innovation Centre, Australian Technology Park, Eveleigh, New South Wales 1430, Australia

I hereby declare that the above identified small business concern qualifies as a small business concern pursuant to 37 C.F.R. 1.27 and 13 C.F.R. § 121.802, for purposes of paying reduced fees to the United States Patent and Trademark Office, and the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled A MODULAR CATHETER by inventor(s) Neil L. ANDERSON et al. described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention qualify for small entity status, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27, or a nonprofit organization under 37 C.F.R. § 1.27.

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE:

DATE:

NEIL ANDERSON CEO  
Suite G16 National Innovation Centre Australia  
Aust+Tech Park Eveleigh 1430 NSW  
27th August 2007